D.B. SPECIAL APPEAL (W) No.282/2006

Kailash alias Chetram
Vs.
Judge, Motor Accident Claims Tribunal, Dausa & Ors.

Date of Order :: 30-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri R.B. Mathur for the appellant.

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This special appeal is directed against the order of the learned Single Judge dated 20.2.2006 in S.B. Civil Writ Petition no.1310/2006 dismissing the writ petition of the appellant. The appellant had filed the writ petition seeking direction for encashment of FDR.

The case of the appellant is that in a claim case he was awarded compensation of Rs.1,39,590/- out of which Rs.39,590/- was actually paid to him while the rest amount i.e.Rs.1,00,000/- was kept in two fixed deposits of Rs.50,000/- each. The appellant being in need of money for medical treatment applied for encashment of one of the FDRs. The learned Single Judge committed error in refusing the prayer.

In the ordinary course we would have issued notice of this appeal but having regard to the nature of grievance which does not concern any of the respondents and considering that the money is required by the appellant for medical treatment we took up the matter for final disposal.

The money lying in FDRs undisputedly belongs to the appellant and in the ordinary course, he would have been paid the entire amount. The Claim Tribunals sometimes direct deposit of part of the compensation

money in fixed deposits to protect the future interest of family members particularly minor which is not the position here. The appellant admittedly is major and he wants encashment of one of the FDRs. We do not find any reason to withhold the payment.

Being thus satisfied, we direct that one of the FDRs being FDR no.GKY 114928 of Jaipur Nagaur Anchlik Gramin Bank be broken and the amount i.e.Rs.50,000/- with interest accrued thereon be paid to the appellant as per rules within two weeks of receipt of the copy of this order.

The appeal stands disposed of.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Skant/-